**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.342 OF 1998**

Shri Manohar Laxman Kulkarni ...Petitioner

Versus

Smt.Padmavati Laxman Kulkarni
(since deceased) through her
heirs and others ...Respondents

Shri S.A.Joshi i/by Shri S.M.Oak for the Petitioner.

Shri D.A.Patil, A.G.P for the Respondent Nos.6 to 10.

**CORAM : ABHAY S.OKA, J.**
**DATED : MARCH 14, 2007.**

**P.C.:**

1. Heard learned Advocates appearing for the parties. The Petitioner in this Contempt Petition is the Petitioner in Writ Petition No.4650 of 1992. On 16th November, 1992 this Court issued rule in the said Writ Petition and granted interim relief in terms of prayer clause (b) of the said Writ Petition. Prayer clause (b) of the said Writ Petition reads thus:

> "(b) pending the hearing and final disposal of this Writ Petition, an injunction may kindly be ordered to be issued, restraining the Respondent and the Revenue Authorities from deleting the name of the Petitioner from the

> Heirship Register of the Village Office 4, as far as the suit property situated at village Kasegaon, Taluka Walwa, District Sangli, is concerned".

2. The allegation in the Petition is that in breach of the said interim order, the Revenue Authorities deleted the name of the Petitioner.

3. A reply has been filed by one Vijaysinh Pandurang Patil, Tahsildar, Taluka Walwa, District Sangli. In paragraph No.2 of the said reply he has stated thus:

> "2. I say and respectfully submit that, I have gone through the contents of the Contempt Petition, which I do not admit but deny in toto. I say that the interim order passed in terms of prayer clauses (a) and (b) in the Writ Petition No.4650 of 1992 by this Hon'ble Court has been strictly followed. The grievance made by the Petitioner are misconceived and not true. I say that this Hon'ble Court has stayed the impugned Orders dated 14th February, 1992 passed by the Revenue Commissioner, Pune Division, Pune in

R.T.S.Appeal No.98/1990 and 113/1990 confirmed by the Minister vide his order dated 8.9.1992 in Revision Application R.T.S. No.3692 Pra/Kra 217/L-6. But before passing this order by this Hon'ble Court, the Mutation Entry i.e M.E.No.4702 came to be certified on 27th March, 1987 and on the basis of the said certified entry the effect has been given in the 7/12 extract in respect of the suit land. This position has not been disturbed as it was prevailing much prior to the passing of the order by this Hon'ble Court".

4. The said reply makes it very clear that mutation entry No.4702 was certified on 27th March, 1987, i.e much before the interim relief was granted by this Court.

5. There is nothing on record to show that the statement made in the affidavit in reply and in particular in paragraph No.2 thereof is factually incorrect. In view of this factual aspect, it cannot be said that the concerned Respondents have committed a breach of the order passed by this Court. Hence, notice issued to the Respondents is discharged. Contempt Petition is disposed of.

**JUDGE**